

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1928**

Citations Affected: IC 8-1-2; IC 8-1-2.7-9.

Synopsis: Procedures for small water or sewer utilities. Requires a not-for-profit sewer utility to include in a petition for a rate change a statement as to whether it has an outstanding indebtedness to the federal government. Allows the Indiana utility regulatory commission to adopt rules or issue orders that establish regulatory procedures or standards governing a public or municipally owned water or sewer utility that: (1) serves less than 5,000 customers; (2) primarily provides retail service to customers; and (3) does not serve extensively another utility. Provides that if a not-for-profit water utility in Vermillion County files a complaint with the IURC concerning another not-for-profit water utility in Vermillion County that has withdrawn from the IURC's jurisdiction, the IURC shall reassert jurisdiction over the withdrawn utility with respect to the withdrawn utility's: (1) rates and charges; (2) rules; and (3) operating and territorial authority; concerning the purchase of water for resale by the complaining utility from the withdrawn utility. (This conference committee report adds the language concerning not-for-profit water utilities in Vermillion County.)

Effective: July 1, 2001.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1928 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 2, after line 36, begin a new paragraph and insert:
- 2 "SECTION 2. IC 8-1-2.7-9, AS AMENDED BY P.L.159-1999,
- 3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2001]: Sec. 9. (a) Except as provided under **subsection (c) or**
- 5 section 15 of this chapter, when a utility successfully withdraws from
- 6 commission jurisdiction, the commission does not have authority to
- 7 regulate the following:
- 8 (1) Rates and charges.
- 9 (2) Stocks, bonds, notes, or other evidence of indebtedness.
- 10 (3) Rules.
- 11 (4) The annual report filing requirement.
- 12 (b) When the number of patrons served by a withdrawn utility
- 13 described in section 1.3(a)(1)(A) or 1.3(a)(2)(A) of this chapter reaches
- 14 five thousand (5,000), the utility:
- 15 (1) becomes subject to the annual report filing requirement
- 16 described in IC 8-1-2-16; and
- 17 (2) shall immediately notify the commission of the number of
- 18 patrons served by the utility.
- 19 Upon receiving notice under subdivision (2), the commission may
- 20 reassert jurisdiction over the utility, in whole or in part, after notice and
- 21 hearing if the commission finds that the public interest so requires.
- 22 **(c) As used in this subsection, "utility" refers to a utility**

1 described in section 1.3(a)(1)(B) of this chapter that is located in a
2 county having a population of more than sixteen thousand five
3 hundred (16,500) but less than seventeen thousand (17,000). When
4 one (1) utility has successfully withdrawn from commission
5 jurisdiction under this chapter, upon the filing of a complaint by
6 another utility that has not withdrawn from commission
7 jurisdiction under this chapter, the commission shall reassert
8 jurisdiction over the withdrawn utility with respect to the
9 withdrawn utility's:

10 (1) rates and charges;

11 (2) rules; and

12 (3) operating and territorial authority;

13 that have been or may be established concerning the purchase of
14 water for resale by the complaining utility from the withdrawn
15 utility. The rates and charges described in subdivision (1) are
16 subject to the requirements of IC 8-1-2-125. The burden of proof
17 that the rates and charges described in subdivision (1) comply with
18 IC 8-1-2-125 is on the withdrawn utility."

(Reference is to EHB 1928 as printed April 6, 2001.)

Conference Committee Report
on
Engrossed House Bill 1928

Signed by:

Representative Crooks
Chairperson

Senator Gard

Representative Lutz J

Senator Broden

House Conferees

Senate Conferees